अचानक नाहीशा झालेल्या व ठावठिकाणा माहीत नसलेल्या शासकीय कर्मचारी/निवृत्तिवेतनधारक यांच्या कुटुंबियांना कुटुंब निवृत्तिवेतन आणि उपदान मंजूर करण्याबाबत.

महाराष्ट्र शासन
वित्त विभाग
शासन निर्णय क्रमांक सेनिवे-१०८९/४९१/सेवा-४
मंत्रालय मुंबई ४०० ०३२, दिनांक ५ जुलै १९९१

शासन निर्णय

अचानक नाहीशा झालेल्या व ठावठिकाणा माहीत नसलेल्या शासकीय कर्मचाऱ्यांच्या कुटुंबातील पात्र व्यक्तींना कुटुंब निवृत्तिवेतन मंजूर करण्याची बरीचशी प्रकरणे शासनाकडे पाठविली जातात. सध्या शासनाकडून अशा प्रकरणांवर गुणवत्तेनुसार विचार केला जातो. साधारणपणे शासकीय कर्मचारी नाहीसा झाल्याच्या दिनांकापासून सात वर्षांचा कालावधी उलटल्याशिवाय तो मृत्यू पावला आहे असे समजता येत नसल्याने त्याच्या कुटुंबियाला कुटुंब निवृत्तिवेतनविषयक लाभ देता येत नाहीत. हे तत्त्व इंडियन एव्हिडन्स ॲक्टच्या कलम १०८ वर आधारित असून त्या कलमाच्या तरतुदीनुसार जेव्हा एखादा बेपत्ता इसम जिवंत आहे का मृत्यू पावला आहे असा प्रश्न निर्माण होतो व तो जर जिवंत असता तर त्याच्याबद्दलची माहिती सहजगत्या ज्या व्यक्तीला अवगत झाली असती अशा व्यक्तीला सात वर्षेपर्यंत त्याच्याबद्दल काहीच ऐकिवात आले नाही तर तो जिवंत आहे हे सिद्ध करण्याची जबाबदारी जी व्यक्ती, तो जिवंत आहे असे शपथपूर्वक प्रतिपादन करते तिची राहते.

२. बेपत्ता झालेल्या शासकीय कर्मचाऱ्याच्या कुटुंबाला देय असलेले फायदे रोखून धरल्याने अवाजवी त्रास होत असल्यामुळे हा प्रश्न शासनाच्या काही काळापासून विचाराधीन होता. शासन आता असा निदेश देत आहे की, जेव्हा शासकीय कर्मचारी त्याच्या कुटुंबाला सोडून नाहीसा होतो त्या वेळी त्याच्या कुटुंबाला खालील प्रदाने करण्यात यावीत :—

(एक) सर्वप्रथम: देय असलेले वेतन, देय असलेल्या रजेचे रोखीकरण आणि शासकीय कर्मचाऱ्याने केलेले नामनिर्देशन लक्षात घेऊन भविष्यनिर्वाह निधीची रक्कम,

(दोन) एक वर्षाच्या कालावधीनंतर—

(अ) अनुज्ञेय असेल त्याप्रमाणे सर्वसाधारण/वाढीव दराने कुटुंब निवृत्तिवेतन,

(ब) जर कर्मचारी सेवानिवृत्त झाला असता तर त्याला जेवढी सेवानिवृत्ति उपदानाची रक्कम मिळाली असती तेवढी मृत्यू उपदानाची रक्कम,

(तीन) संबंधित शासकीय कर्मचाऱ्याचा मृत्यू झाला आहे हे निर्णायक रीतीने सिद्ध झाल्यानंतर किंवा कर्मचारी नाहीसा झाल्याच्या दिनांकापासून सात वर्षानंतर, मृत्यू उपदान व सेवानिवृत्ति उपदान यांमधील फरकाची रक्कम.

३. शासकीय कर्मचारी नाहीसा होण्याचा दिनांक हा पोलीस प्राधिकाऱ्याकडे ज्या दिनांकाला प्रथम खबरी अहवाल (एफ.आय.आर.) नोंदविला असेल त्या दिनांकापासून धरण्यात येईल आणि निवृत्तिवेतन आणि उपदानाची रक्कम मंजूर करण्यासाठी एक वर्षाचा कालावधीदेखील त्याच दिनांकापासून गणण्यात येईल. ज्या प्रकरणी प्रथम खबरी अहवाल (एफ.आय.आर.) हे आदेश निर्गमित होण्यापूर्वीच्या दिनांकाला नोंदविला असेल आणि जेथे एक वर्षाचा कालावधी अगोदरच पूर्ण झालेला आहे त्या प्रकरणी कुटुंब निवृत्तिवेतन, उपदान या सारखे फायदे, हे आदेश निर्गमित झाल्याच्या दिनांकापासून मंजूर करण्यात येतील.

४. कुटुंब निवृत्तिवेतन/उपदान हे, शासकीय कर्मचाऱ्याच्या कर्तव्याचा जो शेवटचा दिनांक होता (प्राधिकृत रजेचा कालावधी धरून) त्या दिनांकाला त्याने घेतलेल्या वेतनावर ठरविले जाईल आणि त्याला लागू असलेल्या आदेश/नियमांनुसार नियमित करण्यात येईल.

५. वर नमूद केलेले लाभ मंत्रालयीन प्रशासकीय विभागाकडून खालील अटींच्या अधीन राहून मंजूर केले जातील :—

(१) कुटुंबियांनी संबंधित पोलीस ठाण्यावर तक्रार नोंदवून शासकीय कर्मचाऱ्याचा पोलिसांनी सर्व प्रकारे शोध घेऊनही त्याचा ठावठिकाणा लागत नाही अशा प्रकारचा पोलीस अहवाल प्राप्त केलेला असला पाहिजे.

(२) शासकीय कर्मचाऱ्याने नामनिर्देशित केलेल्या व्यक्ती/वारसदार याजकडून या शासन निर्णयासोबत जोडलेल्या "नाहीशा झालेल्या शासकीय कर्मचाऱ्याच्या संबंधात विहित केलेल्या" नमुन्यात (इंग्रजी) क्षतिपूर्ती बंधपत्र घेण्यात यावे.

६. कार्यालय प्रमुख हा शासकीय कर्मचाऱ्याकडून शासनाला येणे असलेल्या रकमांचे निर्धारण करून महाराष्ट्र नागरी सेवा (निवृत्तिवेतन) नियम, १९८२ मधील नियम १३२ अनुसार व शासनाला येणे असलेल्या रकमांच्या वसुलीबाबत अमलात असलेल्या इतर सूचनांनुसार शासनाला येणे असलेल्या रकमांची वसुली करील.

७. पोलीस प्राधिकाऱ्याकडे ज्या दिनांकाला प्रथम खबरी अहवाल (एफ.आय.आर.) नोंदविला असेल त्या दिनांका-पासून एक वर्षानंतर, कुटुंबाने शासकीय कर्मचाऱ्याच्या कार्यालय प्रमुखाकडे कुटुंब निवृत्तिवेतन आणि निवृत्ति उपदान मंजूर करण्यासाठी विहित केलेल्या कार्यपद्धतीनुसार कुटुंब निवृत्तिवेतन आणि उपदान प्रदानासाठी अर्ज करावा. जर निवृत्ति उपदानाचे संवितरण अर्ज केल्याच्या दिनांकापासून तीन महिन्यांच्या आत झाले नाही तर त्यावर लागू असलेल्या दरांप्रमाणे व्याज देण्यात येईल आणि विलंबाबाबत जबाबदारी निश्चित करण्यात येईल.

८. सर्वसाधारण भविष्यनिर्वाह निधी नियमावलीच्या नियम १३(४)(अ) अनुसार सर्वसाधारण भविष्यनिर्वाह निधीच्या शिल्लक रकमेवर सेवानिवृत्तीच्या दिनांकानंतर किंवा मृत्यूच्या दिनांकानंतर व्याज दिले जाते. नाहीशा झालेल्या शासकीय कर्मचाऱ्यांच्या प्रकरणी, नियम १३(४)(बी) च्या तरतुदींनुसार ज्या महिन्यात शासकीय कर्मचारी नाहीसा झाला आहे असे पोलीस प्राधिकाऱ्याने कळविले असेल त्या महिन्याच्या लगतनंतरच्या महिन्यापासून उपरोक्त नियमात नमूद केलेल्या पद्धतीने व कालावधीपर्यंत व्याज देण्यात येईल.

९. हे आदेश योग्य त्या फेरफारासह, अचानक नाहीशा झालेल्या, ठावठिकाणा माहीत नसलेल्या निवृत्तिवेतनधारकांच्या प्रकरणीही लागू राहतील. अशा प्रकरणी निवृत्तिवेतन प्रदान आदेशामध्ये (पी.पी.ओ.) नमूद केलेल्या दरांप्रमाणे कुटुंब निवृत्तिवेतन प्रदेय राहील आणि ते संबंधित कार्यालय प्रमुखाकडून प्राधिकृत केले जाईल. जेथे निवृत्तिवेतन प्रदान आदेशामध्ये ही माहिती उपलब्ध नसेल तेथे कार्यालय प्रमुख वर परिच्छेद २ (दोन) मध्ये नमूद केल्याप्रमाणे देय असलेले कुटुंब निवृत्तिवेतन मंजूर करण्याची आवश्यक ती कार्यवाही करील. निवृत्तिवेतनधारकांच्या कुटुंबातील पात्र व्यक्तीकडून या शासन निर्णयासोबत जोडलेल्या "नाहीशा झालेल्या निवृत्तिवेतनधारकांच्या संबंधात विहित केलेल्या" नमुन्यात (इंग्रजी) क्षतिपूर्ती बंधपत्र घेण्यात यावे.

१०. जेथे कुटुंब निवृत्तीवेतन १ जानेवारी १९८६ पूर्वीच्या दराने मंजूर केलेले असेल तेथे ते १ जानेवारी १९८६ पासून शासन निर्णय, वित्त विभाग, क्रमांक वेआशी-१०८७/४२६/सेवा-१०, दिनांक १९ ऑगस्ट १९८७ प्रमाणे सुधारून एकत्रित केले जाईल.

११. हे आदेश ते निर्गमित झाल्याच्या दिनांकापासून अंमलात येतील. जी प्रकरणे या शासन निर्णयामधील तरतुदींखेरीज अन्य रीतीने निकालात काढलेली असतील, तेथे लाभार्थींना फायदेशीर असल्याखेरीज अशा प्रकरणांचे पुनर्विलोकन करण्यात येऊ नये.

१२. हे आदेश सर्व संबंधितांच्या नजरेस आणावेत.

१३. हे आदेश सामान्य प्रशासन विभागाच्या सहमतीने त्या विभागाच्या अनौपचारिक संदर्भ क्रमांक ३५६/१३-अ, दिनांक १५ मार्च १९९१ अन्वये निर्गमित करण्यात आले आहेत.

१४. या आदेशाची इंग्रजी प्रत सोबत जोडली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

अ. ना. कुळकर्णी
शासनाचे उप सचिव.

प्रति

महालेखापाल (लेखा व अनुज्ञेयता)–१, महाराष्ट्र, मुंबई,
महालेखापाल (लेखा व अनुज्ञेयता)–२, महाराष्ट्र, नागपूर,
महालेखापाल (लेखा परीक्षा)–१, महाराष्ट्र, मुंबई,
महालेखापाल (लेखा परीक्षा)–२, महाराष्ट्र नागपूर,
संचालक, लेखा व कोषागारे, मुंबई,
अधिदान व लेखा अधिकारी, मुंबई,
निवासी लेखा परीक्षा अधिकारी, मुंबई,
राज्यपालांचे सचिव,
मुख्यमंत्र्यांचे सचिव,
सर्व मंत्री व राज्यमंत्री यांचे खाजगी सचिव,
मंत्रालयातील सर्व विभाग,
सर्व विभागीय आयुक्त,
मंत्रालयाच्या सर्व विभागांखालील विभाग प्रमुख, कार्यालय प्रमुख,
*प्रबंधक, मूळ न्याय शाखा, उच्च न्यायालय, मुंबई,
*प्रबंधक, अपील शाखा, उच्च न्यायालय, मुंबई,
*सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,
*सचिव, महाराष्ट्र विधानमंडळ सचिवालय, मुंबई,
*प्रबंधक, लोक आयुक्त व उप लोक आयुक्त यांचे कार्यालय, मुंबई,
मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, कोकण भवन, वाशी, नवी मुंबई,
उप मुख्य लेखा परीक्षक, स्थानिक निधी लेखा, मुंबई/पुणे/नागपूर/औरंगाबाद/नाशिक/अमरावती,
सर्व जिल्हा कोषागार अधिकारी,
विशेष आयुक्त, महाराष्ट्र सदन, कोपर्निकस रोड, नवी दिल्ली,
जनसंपर्क अधिकारी, मंत्रालय, मुंबई,
सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी,
संचालक, नगरपालिका प्रशासन, मुंबई,
वित्त विभागातील सर्व कार्यासने,
निवड फाईल, कार्यासन सेवा-४.

*पत्राद्वारे.

१९९१ चा क्रमांक

Grant of Family Pension and Gratuity to the Families of Government servants/Pensioners who disappear suddenly and whose whereabouts are not known.

GOVERNMENT OF MAHARASHTRA

FINANCE DEPARTMENT

Resolution No. PEN. 1089/491/SER-4
Mantralaya, Bombay 400 032
Dated the 5th July 1991

RESOLUTION

A number of cases are referred to Government for grant of family pension to the eligible family members of Government servants who have suddenly disappeared and whose whereabouts are not known. At present all such cases are considered on merits by Government. In the normal course, unless a period of seven years has elapsed since the date of disappearance of the Government servant, he cannot be presumed as dead and the retirement benefits cannot be paid to the family. This principle is based on Section 108 of the Indian Evidence Act which provides that when the question is whether the absconded man is alive or dead and it is proved that he has not been heard of for seven years by those who could naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

2. The matter has been under consideration of the Government for sometime, as with-holding of the benefits due to the family has been causing a great deal of hardship to the family of absconded Government servant. Government is now pleased to decide that when a Government servant disappears leaving his family, the family can be paid,—

(*i*) In the first instance, the amount of salary due, leave encashment due and the amount of General Provident Fund, having regard to the nomination made by the Government servant;

(*ii*) After the elapse of a period of one year,—

(*a*) family pension at normal/enhanced rates as may be admissible,

(*b*) death gratuity not exceeding the amount which would have been payable as retirement gratuity if the person had retired,

(*iii*) After the death is conclusively established or on the expiry of seven years from the date of missing, the difference between the retirement gratuity and death gratuity.

3. The date of disappearance of the Government servant will be reckoned from the date the First Information Report (FIR) is lodged with the police authorities and the period of one year after which the benefits of family pension and gratuity are to be sanctioned will also be reckoned from this date. In cases where the FIR was lodged prior to issue of these orders, and where the period of one year has already been elapsed, the benefits like family pension, gratuity will be sanctioned from the date of issue of these orders.

4. Family pension/gratuity will be based on and regulated by the Pay drawn by the Government servant and the rules/orders applicable to him as on the last day he/she was on duty, including authorised periods of leave.

5. The abovementioned benefits will be sanctioned by the Administrative Departments of the Mantralaya after observing the following formalities :—

(*i*) The family must lodge a report with the concerned police station and obtain police report that the Government servant has not been traced after all efforts have been made by the police;

(*ii*) An Indemnity Bond should be obtained from the nominee(s)/dependent(s) of the Government servant in the format applicable in case of missing Government servant, enclosed with this Resolution.

6. The Head of Office, will assess all Government dues outstanding against the Government servant and effect the recovery in accordance with Rule 132 of the Maharashtra Civil Services (Pension) Rules, 1982 and other instructions in force for effecting recovery of Government dues.

7. The family can apply to the Head the Office of the Government servant for grant of family pension and gratuity, after one year from the date the FIR is lodged with the police authorities in accordance with the prescribed procedure for sanction of family pension and retirement gratuity. In case, the disbursement of retirement gratuity is not effected within three months of the date of application, interest shall be paid at the rates applicable and responsibility for the delay fixed.

8. Interest on balance of General Provident Fund after the date of retirement or date of death is allowed as per Rule 13(4) (a) of the General Provident Fund Rules. In case of missing Government servant, interest shall be paid as per Rule 13(4) (b) from the month after the month in which Government servant disappeared as reported by the police, in its report, upto the period and in the manner specified in the said Rule.

9. These orders will also be applicable, *mutatis mutandis* in the case of pensioners who suddenly disappeared and whose whereabouts are not known. In such cases, the family pension at the rates indicated in the Pension Payment Order (PPO) will be payable and may be authorised by the Head of Office concerned. Where the Pension Payment Order does not contain this information, the Head of Office will take necessary action to sanction family pension as due, as provided in para 2(*ii*) above. An Indemnity Bond should be obtained from the eligible family members of the pensioner in the format applicable in case of missing pensioner, enclosed with this Resolution.

10. Family pension where sanctioned at pre 1st January 1986 rates will be revised and consolidated with effect from 1st January 1986 in terms of Government Resolution, F[illegible] Department No. PCR-1087/426/SER-10, dated the 19th August, 1987.

11. These orders take effect from the date of issue. Cases already settled otherwise in accordance with this Resolution need not be re-opened, unless such a re-opening will be to the advantage of the beneficiaries.

12. These orders should be brought to the notice of all concerned.

13. These orders are issued in consultation with the General Administration Department vide its u.o.r. No. 356/XIII-A, dated 15th March, 1991.

By order and in the name of the Governor of Maharashtra,

A. N. KULKARNI,
Deputy Secretary to Government

[शासन निर्णय, वित्त विभाग, क्रमांक सेनिवे १०८९/४९१/सेवा-४ दिनांक ५ जुलै १९९१ ची सहपत्रे]

INDEMNITY BOND/क्षतिपूर्ती बंधपत्र

(नाहीसा झालेल्या शासकीय कर्मचाऱ्याच्या संबंधात)

(Applicable in case of missing Government Servant)

KNOW ALL MEN by these presents that we (a) ....(b) ....
the wife/son/brother/nominee etc. of (c) ....
post of ....who was holding the
to have been missing since .... in the Deptt./Office of .... is reported
Government servant') resident of .... (hereinafter referred to as 'missing
and (d) .... (hereinafter called "the obligor"
resident of .... son/wife/daughter of Shri ....
daughter of .... and .... son/wife/
the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the Governor
of Maharashtra (hereinafter called "the Government") in the sum of Rs. ....
words) equivalent of the amount on account of payment of salary, leave encashment, G. P. F. Retirement/Death
Gratuity and each and every sum being the monthly family pension well and truly to be paid to the Government on
demand and without a demur together with simple interest @.................... per cent p. a. from the date of
payment thereof until repayment for which payment we bind ourselves and our respective heirs, executors, administra-
tors, legal representatives, successors and assigns by these presents.

Signed this ....day of ....one thousand nine
hundred and ....

WHEREAS (c) ....was at the time of his disappearance in the employment
of the Government receiving a pay at the rate of Rs..(in words)
only per month from the Government.

AND WHEREAS the said (c) ....
.... day of .... disappeared on the
there was due to him at the time of his disappearance the sum equivalent of (i) salary due/(ii) leave encashment (iii)
G. P. F. and (iv) Retirement/Death Gratuity. 19 ....and

AND WHEREAS the obligor is entitled to family pension at Rs..............................(Rupees..............
only) plus admissible dearness relief thereon.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid sum and approached the
Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs.................................
(in words) and monthly family pension Rs. @..................................(in words) only and relief thereon to the
Obligor upon the Obligor and the Sureties entering into a Bond in the above mentioned sum to indemnify the Govern-
ment against all claims to the amount so due to the aforesaid missing Government servant.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the
terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND IS SUCH that if after payment has been made to the Obligor, the
Obligor and/or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing employee
on appearance, against the Government with respect to the aofresaid sum of Rs.................... (in words) and
the sums paid by the Government as monthly pension and relief as aforesaid then refund to the Government the said
sum of Rs.. (in words) and each and every sum paid by Government as monthly pension
and relief toghther with simple interest @...................... per annum, and shall, otherwise, indemnify and keep
the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all cost)
incurred in consequence of the claim thereto then the above written Bond or obligation shall be void and of no effect
but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Suroty/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the above named ' Obligor ' in the presence of

1 ....

2 ....

Signed by the above named ' Surety/Sureties '

1 ....

2 ....

Accepted for and on behalf of the Governor of Maharashtra by.. ....(Name and designation of the Officer directed or authorised, in pursuance of, Article 299 (1) of the Constitution, to accept the Bond for and on behalf of the Governor) in the presence of

....

(Name and designation of witness)

Note I.—(*a*) Full name of the claimantreferred to as the ' Obligor '.

(*b*) State relationship of the ' Obligor ' to the missing Government servant.

(*c*) Name of the ' missing Government servant '.

(*d*) Full name or names of the Sureties with name or names of the father (s)/husband (s) and place of residence.

Note II.—The Obligor as well as the Sureties should have attained majority so that the bond may have legal effect or force.

Note III.—The rate of simple interest will be as prescribed by the Government from time to time. It is 6 per cent p.a. on the date of issue of the Government Resolution.

[शासन निर्णय, वित्त विभाग, क्रमांक सेनिवे १०८९/४९१/सेवा-४ दिनांक ५ जुलै १९९१ चे सहपत्र]

INDEMNITY BOND/क्षतिपूर्ती बंधपत्र

(नाहीसा झालेल्या निवृत्तिवेतनधारकांच्या संबंधात)
[Applicable in case of missing Pensioner]

KNOW ALL MEN by these presents that we (*a*).. (*b*) the widow/son/brother/nominee etc. of (*c*) .... who had retired from the post of .... in the Department/Office of .... and who was in receipt of pension from.............. is reported to have been missing since .... (hereinafter referred to as 'missing pensioner') resident of .... (hereinafter called "the Obligor" and (*d*) .... son/wife/daughter of Shri .... resident of .... and .... son/wife/daughter of .... resident of .... the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the Governor of Maharashtra (hereinafter called "the Government") in each and every sum being the arrears of pension and monthly family pension and relief thereon well and truly to be paid to the Government on demand and without a a demur together with simple interest at the rate of ....% per annum from the date of payment until repayment for which payment we bind ourselves and our respective heirs, executors administrators, legal representatives, successors and assigns by these presents.

Signed this .... day of .... one thousand nine hundred and ....

WHEREAS (*c*) .... was at the time of his disappearance, a State Government pensions receiving a pension at the rate of Rs. .... (in words) only per month and relief thereon from the Government.

AND WHEREAS the said (*c*) .... disappeared on the .... day of .... 19........ and there was due to him at the time of his disappearance the sum equivalent of arrears of pension due.

AND WHEREAS the Obligor is entitled to family pension at Rs.............. (Rupees .... only) plus admissible dearness relief thereon.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs. .... (in words) and the monthly family pension at Rs. .... (in words) plus relief thereon to the Obligor upon the Obligor and the Sureties entering into a Bond in the above mentioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government pensioner.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that if after payment has been made to the Obligor, the Obligor and/or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing pensioner on appearance, against the Government with respect to the aforesaid sum of Rs. .... (in words) and the sums paid by the Government as monthly family pension and relief as aforesaid then refund to the Government the said sum of Rs. .... (in words) and each and every sum paid by Government as monthly family pension and relief together with simple interest @.......... % per annum and shall otherwise, indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto THEN the above written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason or time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or

conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision sha'l have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above written.

Signed by the above named ' Obligor ' in the presence of

(1) ....

(2) ....

Signed by the above named ' Surety/Sureties '—

(1) ....

(2) ....

Accepted for and on behalf of the Governor of Maharashtra by ....

.... (Name and designation of the Officer directed or authorised, in pursuance of, *Article 299 (1)* of the Constitution, to accept the bond for and on behalf of the Governor)

in the presence of ....

(Name and designation of witness)

Note I (*a*) Full name of the claimant referred to as the ' Obligor '.

(*b*) State relationship of the ' Obligor ' to the ' missing pensioner '.

(*c*) Name of the ' missing pensioner '.

(*d*) Full name or names of the Sureties with name or names of the father(s)/husband(s) and place of residence.

Note II The Obligor as well as the Sureties should have attained majority so that the bond may have legal effect or force.

Note III The rate of simple interest will be as prescribed by the Government from time to time. It is 6% per annum on the date of issue of the Government Resolution.